

## REMARKS

Claims 42-53 are pending in the application. Reconsideration and allowance of claims 42-53 are respectfully requested.

### Prior art rejections

#### **Claims 47-49**

Claims 47-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,918,181 to Foster, et al. ("Foster"). This rejection is respectfully traversed. Foster fails to disclose the claimed invention. Claim 47 is directed to "A mobile station characterized in that it establishes a plurality of branches directly between one or more base stations of a network and the mobile station...." However, Foster teaches a mobile station which operates on CT2, a communication "standard for digital cordless telephone control and signaling **between a single base station and a single terminal.**" Column 3, lines 52-56, emphasis added. Thus, the Foster terminal is precluded from "establish[ing] a plurality of branches" as required by claim 47. FIG. 4 of Foster shows a flow diagram illustrating a method for locating a terminal among a network of base stations. However, each individual base station searches in its local coverage area for the terminal. There is no suggestion that the terminal establishes a plurality of branches. As noted, the CT2 communication standard used by Foster's system precluded that.

Accordingly, it is respectfully submitted that the rejection may not be maintained. In order to anticipate a claimed invention, a reference must disclose all limitations of the claim. Foster fails to disclose a mobile station that establishes a plurality of branches directly between the mobile station and one or more base stations. Accordingly, Foster can not anticipate the invention defined by claim 47 which is therefore allowable over this reference. Claims 48 and 49 are dependent from claim 47 and are allowable for the same reasons. Withdrawal of the 35 U.S.C. § 102(b) rejection of these claims is respectfully requested.

### **Claims 42-46 and 50-53**

Claims 42-46 and 40-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese patent publication number JP-06-078359 to Tetsuyoshi, et al. ("Tetsuyoshi") in view of Foster.

The invention defined by independent claims 42, 50 and 53 applies to a different situation from the diversity handoff disclosed in Tetsuyoshi. For example, claim 42 relates to commencement of communication between a mobile station and a network ("A method for controlling access links..."). According to claim 42, "a plurality of branches are established between the network and the mobile station upon a call attempt." The plurality of branches are established, "thereby enabling the mobile station to commence communication using the plurality of branches."

In contrast, Tetsuyoshi discloses a handoff method in which communication between the mobile station and the network is **already established**. The Tetsuyoshi mobile station is processing a call with at least two mobile stations A1-4 and uses at least one of those A3-4 to continue radio communication while handing over communication from A1-2 to A5-6 in a new area A2. Tetsuyoshi does not relate to initiating or commencing communication between a mobile station and a network using a plurality of branches.

Foster does not provide the missing teaching. As noted above, Foster discloses a CT2 terminal which operates according to a communication "standard for digital cordless telephone control and signaling between a single base station and a single terminal." Foster, too, fails to disclose that "a plurality of branches are established between the network and the mobile station upon a call attempt" as recited by claim 42.

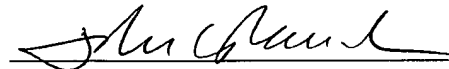
With respect to claim 50, this claim relates to a base station controller which establishes a plurality of branches between a network and a mobile station upon a call attempt. Accordingly, claim 50 also relates to initiating or commencing radio communication between the mobile station and the network, using a plurality of branches, which is not a part of either Tetsuyoshi or Foster. Tetsuyoshi relates to handover, which can only occur during a call, not at commencement of a call. Foster relates to a cordless telephone system in which a terminal is constrained to communicate with only a single base station at a time. Claim 50 is therefore not rendered obvious by Tetsuyoshi and Foster.

With respect to claim 53, this claim relates to a base station in a network. The base station establishes a plurality of branches with a mobile station "according to an instruction from a base station controller upon a call attempt to or from the mobile station...." Further, the plurality of branches permits communication between the base station and the mobile station, "enabling the mobile station to commence communication using the plurality of branches." Accordingly, claim 53 also relates to initiating or commencing radio communication using a plurality of branches between the mobile station and the network, which is not a part of Tetsuyoshi or Foster. Tetsuyoshi relates to handover, which can only occur during a call, not at commencement of a call. Foster does not disclose a plurality of branches, but only a single link between a base station and a terminal. Claim 53 is therefore not rendered obvious by Tetsuyoshi and Foster.

Accordingly, it is respectfully submitted that independent claims 42, 50 and 53 are allowable over Tetsuyoshi in combination with Foster. Withdrawal of the 35 U.S.C. § 103(a) rejection of these claims and their respective dependent claims is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



John G. Rauch  
Registration No. 37,218  
Attorney for Applicant

September 14, 2005  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200